

JOHN GILBERT vs. APC NATCHIQ, INC.  
CASE NO.: 3:03-CV-00174-RRB

DEPOSITION OF DOUGLAS L. SMITH  
JUNE 1, 2006

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

JOHN GILBERT,

Plaintiff,

vs.

APC NATCHIQ, INC.

Defendants.

Case No. 3:03-CV-00174-RRB

DEPOSITION OF DOUGLAS L. SMITH  
June 1, 2006

APPEARANCES:

FOR THE PLAINTIFF:

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FOR THE DEFENDANTS:

MS. PATRICIA L. ZOBEL  
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943 West Sixth Avenue  
Anchorage, Alaska 99501  
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ALSO PRESENT:

MR. JOHN GILBERT

\* \* \* \*

EXHIBIT

B

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Pursuant to Notice, the Deposition of DOUGLAS L. SMITH was taken on behalf of the Plaintiff before Cheri Tabor, Notary Public in and for the State of Alaska, and electronic reporter for Metro Court Reporting at the offices of DeLisio Moran Geraghty & Zobel, 943 West Sixth Avenue, Anchorage, Alaska, on the 1st day of June, 2006, commencing at the hour of 11:30 o'clock a.m.

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COURT REPORTER: Okay. Counsel, would you please identify yourselves and who you represent?

MR. COVELL: Kenneth Covell for John Gilbert.

MS. ZOBEL: Patricia Zobel for APC Natchiq.

COURT REPORTER: Sir, would you like to identify yourself?

MR. GILBERT: I'm John Gilbert.

COURT REPORTER: Thank you. All right. You may proceed.

MR. COVELL: All right.

# DIRECT EXAMINATION

BY MR. COVELL:

Q Good morning, Mr. Smith.

A Good morning.

Q Have you ever been deposed before?

A A few times.

Q Okay. And what was that in regard to?

A Just prior case log with injury claims, general liability claims at Veco Corporation.

Q Okay. All right. Just briefly then, if you don't understand a question, say so. If you need to take a break, say so. It's informal in a way. It's all being tape recorded. You're under oath. You have your counsel here, you can talk to her if you want to. Okay?

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# PROCEEDINGS

(On record)

COURT REPORTER: We're on record. My name is Cheri Tabor, and I'm a court reporter for Metro Court Reporting in Anchorage, Alaska. Today's date is June 1, 2006, and the time is approximately 11:30 a.m. We're at the offices of DeLisio Moran Geraghty & Zobel, PC, 943 West Sixth Avenue, Anchorage, Alaska 99501 for the deposition of Doug Smith. This case is in the United States District Court for the District of Alaska, in the matter of Gilbert, versus APC, Case Number 3:03-CV-00174 (RBR).

Sir, Mr. Smith, would you please raise your right hand so I could swear you in?

(Oath administered)

MR. SMITH: I do.

DOUGLAS L. SMITH

having first been duly sworn under oath, testified as follows:

COURT REPORTER: Thank you. Would you please state your full name and spell your last for the record.

A Douglas Lee Smith, S-M-I-T-H.

COURT REPORTER: May I have a mailing address.

A 3900 C Street, Suite 701, Anchorage, Alaska 99503.

COURT REPORTER: Thank you. I also need a daytime or a message telephone number.

A 907-339-6331.

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A I understand.

Q All right. What's your current position?

A I'm the HSET director for ASRC Entities Services, that's the parent company of operations and maintenance division which was previously known as APC.

Q Okay.

A So there's been some name changes in the corporation, and I work at the corporate level, which is the parent of that entity.

Q Okay. And back in 2001 through 2003 when Mr. Gilbert worked for APC or Natchiq, you were at Kuparuk, is that.....

A That's correct.

Q .....where you were.....

A I was an APC employee at Kuparuk in the position of HSE manager for that department.

Q Okay. Is my general understanding correct that you move up a notch.....

A Yes.

Q .....or a position in the organizational chart?

A That's how they would have me believe it, so, yes.

Q Okay. All right. I.....

A Yeah, that's correct.

Q All right. At a time Mr. Gilbert worked at Kuparuk,

2 (Pages 2 to 5)

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1 is it correct that the general organizational scheme  
2 in the way of hierarchy in health and safety would be  
3 there are safety specialists, safety supervisor, and  
4 then you, and you title at that time, tell me again,  
5 was safety.....  
6 A I was hired as a safety manager which was a new  
7 position for that organization.  
8 Q Okay. I see.  
9 A That -- that position did not exist prior to my  
10 arrival.  
11 Q Okay. Prior to your arrival, was there a corporate  
12 safety man in Anchorage?  
13 A There was a safety supervisor on site.  
14 Q Okay.  
15 A And that was Ron Kirk.  
16 Q Okay. And then who would Ron -- who was Ron's direct  
17 report I think is how you guys like to put it?  
18 A Yeah, at that time Ron was a direct report to Gary  
19 Buchanan as the safety supervisor in the department.  
20 And.....  
21 Q And was Gary.....  
22 A .....the specialists.....  
23 Q .....in Anchorage or was Gary.....  
24 A Gary -- Gary was Anchorage-based.  
25 (Telephone ringing)

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1 Q Okay.  
2 MS. ZOBEL: Do you need to take a.....  
3 A No, I'm just turning it off. Sorry.  
4 MS. ZOBEL: Okay.  
5 A Gary was based on the Slope. He was the project  
6 manager or contract business manager for the Kuparuk  
7 contract. He was the operations manager.  
8 Q Okay. And is that different than unit supervisor?  
9 A Business unit manager, those guys have had a multitude  
10 of titles. We refer to them as the contract manager  
11 or business unit manager, and they were responsible  
12 for the entire operational contract for APC at  
13 Kuparuk.  
14 Q So the safety supervisor would answer to Buchanan in  
15 the unit manager or similar position?  
16 A Yes, prior to my arrival, Ron Kirk reported to Gary  
17 Buchanan.  
18 Q And then was there a safety guy in Anchorage that was  
19 higher up the food chain or not?  
20 A Yes, there was a corporate safety manager. At that  
21 time it was Scott Brower.  
22 Q Okay. All right. Let's see, what did you do to  
23 prepare for your deposition today, if anything?  
24 A Came yesterday and just, you know, knowledge of the  
25 events since I was present, but that's about it.

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1 Q Okay. Did you ever do an evaluation of the safety  
2 specialist position to determine whether it was exempt  
3 or non-exempt from overtime?  
4 A Yes. The -- in fact, I had been involved in an  
5 evaluation at a previous employer with that position.  
6 And after I arrived at this company, we discussed the  
7 position, exempt versus non-exempt. And one thing  
8 that's important is that one of the things we worked  
9 -- always worked against or was a bit of an issue is a  
10 lot of positions, can (indiscernible) extra hours in  
11 the specialist field around the country are being paid  
12 in an exempt mode, so by us defining those as non-  
13 exempt was -- we felt was correct with the  
14 determination of the labor law, but was not exactly  
15 industry standard. So we were always sort of with the  
16 uphill battle to move these two hourly, not within the  
17 company, but just as a general industry position. So  
18 we evaluated the positions based on the -- the  
19 Department of Labor checklist provided at the time,  
20 and determined that these positions would were -- most  
21 likely would be better suited to be under hourly  
22 positions. And the guys who were having call-outs in  
23 the evening and such, the nature of the embedded  
24 employees, were being called out, so there was a move  
25 to move them to hourly after I arrived there. But it

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1 took some time to change the contract language, put  
2 the rates in, and effect the changed for the  
3 specialists.  
4 Q Okay. And did that then actually happen on or after  
5 April of '03?  
6 A It happened March 1st of '03 is when we finally got  
7 the -- what we call employee information records, a  
8 status change actually into payroll and changed the  
9 specialist' pay rates to hourly was March 1 of '03.  
10 Q And when did the guys in the field -- and we're  
11 talking safety.....  
12 A Specialists.  
13 Q .....supervisor here?  
14 A Safety specialist.  
15 Q Oh, okay. All right. Safety specialist. All right.  
16 A And at the same time, we -- I evaluated personally  
17 with Gary Buchanan the position that Ron Kirk had  
18 previously held as safety supervisor. And it's  
19 important to understand the chain.....  
20 MS. ZOBEL: Let's.....  
21 A .....of progression.  
22 MS. ZOBEL: Let's wait until he asks the  
23 question.  
24 A Yeah.  
25 Q (By Mr. Covell) Okay.

3 (Pages 6 to 9)

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1 exempt or non-exempt classification of the safety  
2 supervisor position at APC?  
3 A No.  
4 Q Okay. You were at Kuparuk when the safety supervisor  
5 was there and classified as exempt, right?  
6 A No, it was exempt -- -- when -- when I arrived at the  
7 position, the supervisory position was already being  
8 paid at a day rate which was filled by Ron Kirk.  
9 Q Well, Mr. Gilbert was a safety supervisor, right?  
10 A He became Ron Kirk's alternate.  
11 Q Okay. All right. And when he was in that job, he was  
12 being classified and paid as an exempt employee,  
13 right?  
14 A Yes, he went into the job, and the job was already  
15 established as an exempt position.  
16 Q Okay. And you were his boss then?  
17 A That's correct.  
18 Q Okay. All right. What different duties did the  
19 safety supervisor have when Mr. Gilbert was in that  
20 position versus a safety specialist?  
21 A In my opinion and in my observation, an expectation of  
22 the job was that they were the coordinator of the  
23 specialist, and in that role provided, you know, a  
24 degree of oversight and direction to these embedded  
25 employees. And then in my absence -- I worked a four-

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1 day on, three-day off schedule, and in my absence from  
2 the Slope, they were the step-up for the department  
3 and fill the roll of HSE manager in my absence.  
4 Q Okay. So they were the coordinator of the other  
5 specialists. These other specialists generally had --  
6 I don't know if duty stations is the right word, but  
7 generally had a routine set of work that they were  
8 going to do, or expect to do, is that right?  
9 A That's correct.  
10 Q Okay. So a guy would have wash bay, or light duty  
11 shop, or a pad or something to that effect?  
12 A That's correct.  
13 Q Okay. Would the safety supervisor do safety  
14 specialist work routinely?  
15 A Not routinely.  
16 Q Okay. What safety specialist work would the safety  
17 supervisor do?  
18 A Probably the same as I would do, and that would be a  
19 back-up for the field, if there be excess work,  
20 someone off shift, in training, geographically not  
21 available, because they're too far out to one site, so  
22 we might respond to a scenario on their behalf.  
23 Q Okay.  
24 A And that would include myself as well.  
25 Q Okay. So when a safety supervisor acted as the

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1 coordinator or the specialist, I mean, what physically  
2 would he do that was coordinating them? Would he pick  
3 up the phone and call people? Would he call meetings?  
4 Would arrange their schedules? I mean, what types of  
5 things?  
6 A Schedule coordination, personnel coming and going,  
7 trying to help work out vacation coverage by  
8 scheduling other people to work over, providing  
9 answers, you know, questions and answers both up the  
10 chain of command with the client, with our people who  
11 liaison, conduit of information flow.  
12 Q Okay. And when you said answers questions, would that  
13 generally be to the client, to Conoco-Phillips or  
14 whoever was....  
15 A Both sides, internal....  
16 Q And what....  
17 A .....and external.  
18 Q Internal to?  
19 A APC.  
20 Q APC upstairs. Was there a lot of questions that came  
21 from the specialists to the safety supervisor?  
22 A I think there was daily questions probably from each  
23 of them of some type, and they vary in technical  
24 nature. Some very simple and some technical.  
25 Q Okay. Well, if you know, would they be along the

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1 lines that, you know, I'm busy on this pad, can you  
2 come out and do this other test for me on the other  
3 pad, or would they be more of the nature of, you know,  
4 how do I run this meter? If you know.  
5 A I think that the majority of the questions were more  
6 technical in nature about how to execute on-the-job.  
7 We had varying levels of specialists with different  
8 levels of experience, and the supervisor was an  
9 experienced -- more experienced position that had more  
10 authoritative knowledge, technical knowledge, and was  
11 oftentimes a reference for the specialist to conduct  
12 business.  
13 Q Could you give me an example of what that kind of  
14 question would be?  
15 A Yeah. I'm on the pad and I don't clearly understand  
16 how to run this Ludlum meter, you know, can you help  
17 me out over the phone, or come out and show me? I'm  
18 running the snapshot, the gas chromatograph, I'm going  
19 to need some assistance with that. Policy, maybe some  
20 policy questions. What is our procedure or policy  
21 regarding a particular subject matter.  
22 Q Okay. As to policy and procedure, that was all in a  
23 book which sounded like it was going under a never-  
24 ending revision. Is that fair to say?  
25 A There was a policy and procedure manual being revised,

5 (Pages 14 to 17)

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1 that's fair to say.  
2 Q Okay. And policy and procedures would or ought to be  
3 or hopefully were in there?  
4 A Not totally encompassing. A lot of our job requires,  
5 you know, thought and technical background to derive  
6 answers, and not everything is written down for us.  
7 Q What does the safety coordinator position of today do  
8 differently than the safety specialist position of  
9 yesterday?  
10 MS. ZOBEL: Safety specialist or....  
11 MR. COVELL: I'm sorry. Thank you. Thank  
12 you.  
13 Q (By Mr. Covell) Safety supervisor position.  
14 A They have more hands-on assignments. They are ask --  
15 asked to actually be solely responsible for, for  
16 example, all UA collections. We no longer use a third  
17 party as we were at the time. They've got a lot more  
18 duties that are routine, nonsupervisory, non-directing  
19 role.  
20 Q What directing actions did the safety supervisor do?  
21 A It was within their scope of authority to redirect  
22 resources. For example, if we had a job that day that  
23 needed extra assistance from one of their specialists,  
24 they would have the authority to ask for and redirect  
25 people to assist and coordinate when we had the

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1 abnormal conditions.  
2 Q Okay. But do you know if the safety supervisor ever  
3 actually directed somebody to, say, get off that pad  
4 and go to this one?  
5 A Yes.  
6 Q And who, what, when, where, why and how? Can you tell  
7 me?  
8 A No. I had, of course, my scope of activity and the  
9 supervisor had their scope.  
10 Q Right.  
11 A So the only way for me to quantify how much directing  
12 took place was to speak specialists that were employed  
13 then, that are still employed now and gauge what their  
14 perception was of the supervisor's positions and how  
15 much direction they felt they received from that role.  
16 Q Uh-huh.  
17 A And that's how I derive my opinion that there was  
18 quite a bit of directing or coordinating that went on  
19 from that position, as I expected it to.  
20 Q Okay. Well, let me....  
21 A And in my absence, it was the sole managerial position  
22 left on the site.  
23 Q Let me sort of work on the coordinating versus  
24 directing issue here for a little bit. I mean, -- and  
25 I'm asking for examples, I'm not suggesting this

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1 happened, but, for instance, were ever in the office  
2 with Mr. Gilbert or Mr. Kirk, and you hear them on the  
3 phone saying, safety special Smith, you leave pad 19  
4 and you go to pad 20 now and perform hot work permit?  
5 A In the back of my mind I want to say, yes, I've heard  
6 those conversations, but I could not give you exactly  
7 who, what, when, where at this late stage of the....  
8 Q And to that same type of situation, have you had a  
9 safety specialist come to you and say, yesterday Mr.  
10 Kirk called me and said I have to go from pad 19 to  
11 pad 20, and do a hot -- and explain that to you or  
12 complain about it or whatever they might communicate  
13 about it?  
14 A No, I can't recall that exact line of communication,  
15 and I don't think it would have been something I would  
16 have normally heard.  
17 Q Okay. If this is coordinating the work, is that more  
18 of a collegial or peer coordination type of thing  
19 where the men go to work in the morning and say, okay,  
20 here are the jobs. We've got this extra job here to  
21 do today, because this is a special project or  
22 something, how are we going to divide this up, and  
23 they sort of put their input in and share and decide  
24 who can do which and what, and get it covered that  
25 way, versus the boss man coming in and say, you go

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1 here today, you go here today and you go there today?  
2 If you can say.  
3 A It was certainly not a democracy. And in my position,  
4 I looked to the supervisor to be the second in  
5 command, and they had authoritative capability to  
6 direct work and -- but in these embedded employees,  
7 you need to understand what they're doing that day,  
8 what their priorities are before you make a decision  
9 who's best available to be redirected. So even though  
10 there would be conversation, it was not up for a vote  
11 who wanted to go do which activity.  
12 Q Okay. Did you ever confer with Mr. Gilbert when you  
13 were considering reclassifying the safety supervisor  
14 job or eliminating it as the case may be, as to what  
15 he did on a day-to-day basis?  
16 A I don't think John and I sat down and went through any  
17 specific classification question and answer of his  
18 position.  
19 Q Okay. Giving examples to the extent you possibly can,  
20 can you tell me what you understood he did on a day-  
21 to-day basis?  
22 A Yeah. I think my understanding of his job duties was  
23 to be a second tier supervisor in the department, help  
24 us, you know, formulate a better department, and  
25 provide, you know, direction and oversight and growth

6 (Pages 18 to 21)

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1 in the department from procedure writing to employee  
2 development.  
3 Q Okay. But like if you can give it to me by task, so  
4 say on a typical day I would expect he would go and  
5 conduct a meeting for the first hour, go out and do a  
6 hot space entry permit, come back for an hour, or come  
7 back, work two hours on PP&G revision, maybe eat, you  
8 know, then routine at 1:30 you have to go out to pad  
9 so and so or go supervise somebody at pad so and so  
10 for about an hour, you know, and like that. Can you  
11 break it down like that for me?  
12 A I cannot, and the only reason not is because our days  
13 were never typical. They were very untypical, and we  
14 responded to the needs as they arose, but on a  
15 typical, uninterrupted day....  
16 Q On a typical untypical day?  
17 A .....you would focus on -- a great deal of the time we  
18 were spending the time on policy/procedure  
19 development, be a resource to both the client and our  
20 other department staff on direction, questions,  
21 answers, supporting them in a way to complete their  
22 activities. And what we had is a lot of -- the nature  
23 of our business is the unplanned events take place and  
24 then you get engaged in those. There might be an  
25 incident -- might be a lead -- a lead issue, or a

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1 number of things.  
2 Q Sure. You might have to go out and investigate an  
3 accident, you might have a lead meter go out somewhere  
4 I take it or --  
5 A You may have a question on where you remove some  
6 paint, how much area do I need to pull, who's going to  
7 coordinate the sampling at the lab, and, you know, so  
8 -- and those functions came up quite frequently.  
9 Q Okay. And of those duties you just described in that  
10 answer to that last question, how many of those  
11 duties, if any, are different from the duties a safety  
12 specialist would have performed?  
13 A The specialist -- let's take lead for example, lead  
14 paint. His job might have been to identify that we're  
15 going to do some paint removal somewhere, and it could  
16 have lead in it. His job may be to work with someone  
17 to remove the paint product, and then get it into the  
18 department for disposition and review. We -- John's  
19 position oftentimes, the supervisor position, would  
20 help coordinate the disposition of that lead-potential  
21 pain to a lab, receive results, interpret those  
22 results, and determine if we had an issue with lead.  
23 Q Okay. So the guy in the field might get the paint  
24 samples, bring them into John; John might mail them  
25 off to the lab in Colorado, which is one of the ones

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1 you used I think and then Colorado might send them  
2 back and say, here's your level, is that.....  
3 A That's correct. And based on the level,  
4 interpreting [sic] that data, we would say, we need  
5 to be in respirators or not, and provide that  
6 direction back to the field and send them on their  
7 way.  
8 Q Okay. And when you get the -- is it correct that when  
9 you get the test result from Colorado of parts per  
10 million or whatever it is, there's some manual that  
11 dictates whether or not if the test result is in a  
12 certain range, you -- I don't know if you classify  
13 them as level 1 remediation, 2, 3, but whether or not  
14 it's respirators or suits or, you know, wash downs or  
15 whatever the appropriate treatment is?  
16 A Yeah, there's a lead standard from OSHA that we go by.  
17 Q Okay. Okay. All right. So then the coor -- or the  
18 supervisor might look in the manual and say, okay, we  
19 have a level 19, therefore you need to use procedure 3  
20 kind of thing?  
21 A In context, that's correct. Yes.  
22 Q Okay. All right. Okay. And might also a safety  
23 specialist make those same kinds of -- or might not  
24 also a safety specialist do that same work vis-a-vis  
25 looking at the sample and deciding what type of

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1 remediation procedure was necessary?  
2 A Not usually, because we tended to want to have  
3 oversight of those kind of exposure levels from this  
4 -- from the supervisory positions to ensure we were in  
5 compliance.  
6 Q Okay. Did specialists fill the supervisory role when  
7 there was no safety supervisor on a hitch?  
8 A If there was an absence from any position, the next  
9 most qualified person was stepped up to that role as a  
10 fill-in if we had available personnel. But when they  
11 went to the new role, they assumed those duties and  
12 responsibilities, and it was a temporary step up.  
13 Q Okay. And when that happened, did they get a letter  
14 saying you're -- for these two weeks, you're  
15 temporarily supervisor or not?  
16 A Email transmission to indicate to the staff who was in  
17 what position so they would know whom to call.  
18 Q Okay. Did anything go into their personnel folder in  
19 that regard, if you know?  
20 A No.  
21 Q Did they get more money?  
22 A Not if it was temporary assignment.  
23 Q Okay. Okay. As far as -- and this dovetails nicely.  
24 As far as your comments regarding Mr. Gilbert filling  
25 in -- well, okay. Let's not go there yet. Did Mr.

7 (Pages 22 to 25)

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1 Gilbert ever have the authority to hire and fire  
2 people?  
3 A He never had to fire anyone, but I would say that not  
4 -- not by himself as nor did I as the manager. It  
5 would have taken consultation with HR and Gary  
6 Buchanan as the business unit manager to actually  
7 terminate employees.  
8 Q Okay. So if there's a piece of paper terminating a  
9 guy, would Gary Buchanan be the guy who signed it?  
10 A He would -- yes, and the one termination I was  
11 involved with early on in the -- my tenure there, it  
12 required Gary's signature and HR approval to process  
13 it.  
14 Q Okay. And then is the converse true as to hiring,  
15 that Gary would sign it, and HR would.....  
16 A That's correct.  
17 Q .....approve it? Okay. All right. So position-wise  
18 in the organizational chart, he's two steps away from  
19 Gary?  
20 A That's correct.  
21 Q Okay. When he stepped up as you put it to the HSE  
22 position -- that was your job, is that right?  
23 A No. HSE manager.  
24 Q HSE manager. He would get an email then saying you're  
25 HSE manager for this time frame?

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1 A Because I was on a standing four and three rotation I  
2 was there Monday through Thursday.  
3 Q Uh-huh.  
4 A Anytime I was absent, it was a standing order that  
5 they were the next step up in point of contact for my  
6 position.  
7 Q Okay. And what additional authority would he have to  
8 exercise in that position?  
9 A That position as a step-up into my absence has the  
10 same authority as I have in the position with a degree  
11 of consultation by phone on any significant matters.  
12 But if un -- if unreachable, that position has the  
13 full -- the full authority.  
14 Q And when you say consultation by phone, you mean that  
15 Mr. Gilbert in the HSE -- acting HSE manager position  
16 would call you and consult with you?  
17 A Not on every decision, but if we had a significant  
18 incident, we have a company policy of notification to  
19 the next level, and I would always get notified of a  
20 major event in my absence as I would if I was in town  
21 for a meeting, I would get called. Or if I was  
22 actually on my R and R days, I would be called, so --  
23 Q This job follows you around whether you're off or not?  
24 A And it's just a matter of company reporting policy.  
25 It's not a matter of asking permission to proceed.

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1 It's a matter of notification.  
2 Q And what kind of issues might you get a phone call  
3 about when you were on R and R?  
4 A Company policy required notification up the chain of  
5 command for a lost time accident.  
6 Q Okay.  
7 A Significant spills.  
8 Q Okay.  
9 A That's always in our policy requirements is  
10 notification on incidents.  
11 Q What kind of decisions might Mr. Gilbert have made as  
12 HSE acting manager that he wouldn't have called you  
13 about, and he wouldn't have made as safety supervisor?  
14 A More -- I think more of it's decisions that might have  
15 been discussed or progressed and staff meetings that I  
16 would normally been the primary attendee that in my  
17 stead Ron or John would have attended. We had a  
18 senior staff meeting that they would attend in my  
19 absence, and there was always progress on action items  
20 that would need to be relayed or discussed, or some  
21 degree of decisionmaking took place in my absence that  
22 normally I would have been the primary attendee to  
23 those meetings and been involved with those decisions.  
24 Q Okay. So they'd go to these meetings. They'd  
25 disseminate that information, and it's a little

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1 unclear about the decisionmaking. Are you saying  
2 decision making within this sphere of those meetings,  
3 and the issues that are being discussed there, or do  
4 you mean independent of that?  
5 A The most -- most frequently decisions would have had  
6 to have been made to keep things progressed, like at  
7 those meetings, and also if other issues came up, I  
8 can't think of one specifically, but it could have  
9 been an HR-related matter, could have been someone  
10 needing additional time off, shift change, problems  
11 with someone's performance in the field of a given day  
12 that needed to be addressed or other managerial  
13 matters that I would have normally maybe been -- been  
14 addressing.  
15 Q Okay. Well, for instance, I think yesterday we heard  
16 about apparently the administrative staff, Kim and  
17 somebody else, seemed to be going at it as it were.  
18 Is that a situation that you eventually dealt with and  
19 got resolved?  
20 A Initially it was dealt with by Ron Kirk, which John's  
21 alternate.  
22 Q Uh-hum.  
23 A And the resolution that he came up with wasn't  
24 satisfying to the two people that had issues, so we --  
25 it eventually made it to me, and we took a different

8 (Pages 26 to 29)

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1 action.

2 Q And was that letting one of them go or.....

3 A Actually, no, we had a discussion of working more  
4 collaboratively together and fixing some problems.

5 Eventually there was a reduction in force that  
6 eliminated one of those positions, but it was not  
7 associated with this performance issue.

8 Q Okay. All right. And so as far as specific examples  
9 of what a safety supervisor, or Mr. Gilbert might have  
10 done as safety supervisor, outside of what we've  
11 already discussed, do you have any other examples you  
12 can give me?

13 A If I was on shift, I would normally have been the  
14 facilitator on some of the safety meetings. And in my  
15 absence, I expected those to continue to be held, and  
16 the facilitator role of that fell to the supervisory  
17 position.

18 Q Okay. If there was a -- and I don't know if this  
19 happened or not, and you can comment in that regard,  
20 but if there was a time when you're not there, and  
21 there's no safety supervisor there, then would a  
22 safety specialist be the facilitator for the meeting?

23 A Only if they're stepped up into that supervisory role.

24 Q Okay. When Mr. Gilbert was a safety specialist, do  
25 you know if he ever was stepped up into safety

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1 -- and you have had safety specialists, safety  
2 supervisor, and safety coordinator -- is that the name  
3 of the coordinator job?

4 A The new position is called a safety coordinator.

5 Q Okay. What activities are co-extensive to all those  
6 positions, if any?

7 A Ones that bridge all those positions?

8 Q Yeah. In other words, what jobs, what tasks do each  
9 one of those guys do that are the, you know, if you do  
10 -- for instance, does each one of those jobs do hot  
11 work permits?

12 A We're talking routine tasks or what tasks you may do?

13 Q Well -- yeah. Well, let's start with may. Do each  
14 one of those jobs do hot work permits?

15 A Any of our positions may do a hot work permit.

16 Q Okay. And each one -- okay. And the same as to  
17 confined space entry?

18 A That's correct.

19 Q Okay. The same as to walk-downs or audits?

20 A That's correct.

21 Q The same as to PP&G revision and update?

22 A No.

23 Q Okay. Who would or wouldn't be doing that?

24 A The specialist may have input into the language of a  
25 particular policy or procedure but final authority

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1 supervisor?

2 A Not during my tenure, no.

3 Q Okay. Had he been, would he have received an email in  
4 that regard?

5 A There should have been an email designating who was  
6 assuming the role of supervisor or manager in their  
7 absence.

8 Q Okay. And who -- I would assume that when you're HSE  
9 manager and you're gone, you're saying you didn't send  
10 an email, because that was a routine thing, right?

11 A Between my position as manager and the supervisor  
12 position, it was an on-going basis of my schedule that  
13 required them to be stepped up in my absence, so there  
14 was not an email, but on the vacation coverage or  
15 other unscheduled coverage issues, if someone was  
16 stepped up, the person departing, supervisor or  
17 manager, would put out an email who was going to be  
18 their step up and their points of contact.

19 Q Okay. So it would either come from you or the safety  
20 supervisor.....

21 A Yes.

22 Q .....that -- the email?

23 A That's correct.

24 Q Okay. All right. Is it right or wrong that the  
25 safety -- well, let me just ask it this way. You have

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1 over the final content and for regulatory compliance  
2 and final approval would come from a higher authority,  
3 supervisor or manager's position.

4 Q Okay. Did the supervisors routinely sign off on the  
5 revised PP&G?

6 A There is not a particular sign-off location on any of  
7 those policies.

8 Q If there's a new P -- a newer, revised PP&G, wouldn't  
9 that be something that's passed by you and got your  
10 approval in one form or another?

11 A Ultimately it would have to go to corporate for  
12 approval.

13 Q Okay. All right. Besides those tasks I mentioned to  
14 my recollection and thinking, that comprises a large  
15 portion of what a safety specialist does, and I think  
16 you're telling me you don't -- or is that so?

17 A That's only a portion of what they do. Permitting is  
18 actually probably only 20 percent of their activity.

19 Q Okay. So beyond that -- well, there's permitting and  
20 auditing -- okay. What else would you expect the  
21 safety specialist to be doing?

22 A From an auditing perspective, that does cover the  
23 field presence of going out and being visible to  
24 employees, looking for compliance, coaching of  
25 employees in safe practices, just insuring that people

9 (Pages 30 to 33)